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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 JAMES J. TURNER, JR.,

10 Petitioner,

11 vs.

12 E. K. MCDANIEL, et al.,

13 Respondents.
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Case No. 3:10-CV-00631-RCJ-(VPC)

ORDER

15 Petitioner has paid the filing fee (#4). He also has submitted an application to
16 proceed in forma pauperis (#5), which is moot because he has paid the filing fee.

17 The court has reviewed the petition for a writ of habeas corpus pursuant to Rule 4 of
18 the Rules Governing Section 2254 Cases in the United States District Courts. The court will
19 dismiss most of the grounds, and the court will serve the petition upon respondents for a response to
20 the remaining grounds.

21 In the Eighth Judicial District Court of the State of Nevada, petitioner pleaded guilty,
22 pursuant to North Carolina v. Alford, 400 U.S. 25 (1970), to one count of first degree murder. That
23 plea leads to the dismissal of most of petitioner's grounds for relief.

24 [A] guilty plea represents a break in the chain of events which has preceded it in the
25 criminal process. When a criminal defendant has solemnly admitted in open court
26 that he is in fact guilty of the offense with which he is charged, he may not thereafter
27 raise independent claims relating to the deprivation of constitutional rights that
28 occurred prior to the entry of the guilty plea. He may only attack the voluntary and
intelligent character of the guilty plea by showing that the advice he received from
counsel was not within the standards set forth in McMann v. Richardson, 397 U.S.
759 (1970)].

1 Tollett v. Henderson, 411 U.S. 258, 267 (1973). Grounds 1-10, 12-15, 18, 21-37, 40, 44, and 46 all
2 allege deprivations of constitutional rights that occurred prior to the entry of petitioner's plea. The
3 court dismisses them.

4 In ground 20, petitioner alleges that, during his state post-conviction habeas corpus
5 proceedings, his trial counsel failed to provide him all of his case file and the state district court
6 erred in denying his motions for counsel to provide him with all of his case file. "[A] petition
7 alleging errors in the state post-conviction review process is not addressable through habeas corpus
8 proceedings." Franzen v. Brinkman, 877 F.2d 26, 26 (9th Cir. 1989); see also Gerlaugh v. Stewart,
9 129 F.3d 1027, 1045 (9th Cir. 1997). Ground 20 is without merit, and the court dismisses it.

10 IT IS THEREFORE ORDERED that the application to proceed in forma pauperis
11 (#5) is **DENIED** as moot.

12 IT IS FURTHER ORDERED that the clerk of the court file the petition for a writ of
13 habeas corpus.

14 IT IS FURTHER ORDERED that grounds 1-10, 12-15, 18, 20-37, 40, 44, and 46 of
15 the petition are **DISMISSED**.

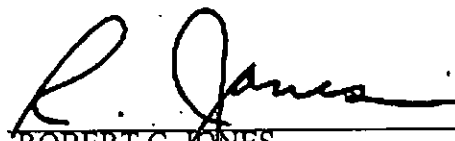
16 IT IS FURTHER ORDERED, as per prior agreement, that the clerk of court shall add
17 Attorney General Catherine Cortez Masto (listed under Cortez) as counsel for respondents and shall
18 make informal electronic service of this order and the petition upon respondents by directing a
19 notice of electronic filing to her office.

20 IT IS FURTHER ORDERED that respondents shall have forty-five (45) days from
21 the date on which the petition was served to answer or otherwise respond to the petition. If
22 respondents file and serve an answer, then they shall comply with Rule 5 of the Rules Governing
23 Section 2254 Cases in the United States District Courts, and then petitioner shall have forty-five
24 (45) days from the date on which the answer is served to file a reply.

25 IT IS FURTHER ORDERED that henceforth, petitioner shall serve upon respondents
26 or, if appearance has been entered by counsel, upon the attorney(s), a copy of every pleading,
27 motion or other document submitted for consideration by the court. Petitioner shall include with the
28 original paper submitted for filing a certificate stating the date that a true and correct copy of the

1 document was mailed to the respondents or counsel for the respondents. The court may disregard
2 any paper received by a district judge or magistrate judge that has not been filed with the clerk, and
3 any paper received by a district judge, magistrate judge, or the clerk that fails to include a certificate
4 of service.

5 Dated: January 19, 2011

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8 ROBERT C. JONES
9 United States District Judge
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